

Tuesday, April 24, 1973

S.B. 786 - Senator Schwartz

S.B. 866 - Senator Herring

S.J.R. 4 - Senator Herring

MEMORIAL RESOLUTION

S.R. 594 - By Senator Snelson: Memorial resolution for Charles M. Linehan.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 590 - By Senator Herring: Extending welcome to Mildred Oppenheimer, et al.

S.R. 591 - By Senator Kothmann: Extending welcome to students from Theodore Roosevelt High School.

S.R. 592 - By Senator Moore: Extending congratulations to Members of Lion District 2 - X3.

S.R. 593 - By Senator Moore: Extending congratulations to Lee Kelton Westmoreland.

S.R. 595 - By Senator Adams: Extending congratulations to David Cramer.

S.R. 597 - By Senator Hightower: Extending welcome to Mrs. Helen Farabee.

S.R. 598 - By Senator McKinnon: Extending congratulations to Chester Lee "Chatter" Allen.

S.R. 599 - By Senator Jones: Extending congratulations to William R. Gerald, Sr.

S.R. 600 - By Senator Clower: Extending welcome to Dr. Edward Cope, Jr. of Garland.

RECESS

On motion of Senator Aikin the Senate at 12:37 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

FIFTY-EIGHTH DAY

(Continued)

(Thursday, April 19, 1973)

After Recess

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

H.B. 182 (Hightower) (29-0)(29-0)
H.B. 178 (McKnight) (29-0)(29-0)
H.B. 246 (Hightower) (29-0)(29-0)
H.B. 699 (Herring) (29-0)(29-0)
H.C.R. 107 (Andujar) (vv)
H.C.R. 123 (Andujar) (vv)
H.C.R. 134 (Hightower) (vv)
H.C.R. 143 (Jones) (vv)
C.S.S.B. 173 (Adams) (28-1) Mauzy "Nay" (28-1) Mauzy "Nay"
C.S.S.B. 281 (Wolff) (29-0)(29-0)
S.B. 482 (Hightower) (29-0)(29-0)
S.B. 519 (Wallace) (29-0)(29-0)
C.S.S.B. 520 (Brooks) (29-0)(29-0)
C.S.S.B. 534 (Clower) (29-0)(29-0)
C.S.S.B. 538 (Clower) (29-0)(29-0)
S.B. 660 (Sherman) (29-0)(29-0)
S.B. 661 (Sherman) (29-0)(29-0)
C.S.S.B. 675 (Kothmann) (29-0)(29-0)
S.B. 681 (Jones) (28-1) Kothmann "Nay" (28-1) Kothmann "Nay"
S.B. 685 (Creighton) (29-0)(29-0)
S.B. 718 (Jones) (28-1) Adams "Nay" (28-1) Adams "Nay"
C.S.S.B. 722 (Brooks) (29-0)(29-0)
S.B. 749 (Kothmann) (29-0)(29-0)
C.S.S.B. 780 (Gammage) (29-0)(29-0)

C.S.S.B. 836 (Brooks) (28-1) Snelson "Nay" (28-1) Snelson "Nay"

S.B. 856 (Harrington) (29-0)(29-0)

S.B. 884 (Traeger) (29-0)(29-0)

S.R. 503 (Adams) (vv)

The following bills and resolutions were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

S.B. 138 (Wolff)--

Senator Wolff offered the following Committee Amendment to the bill:

Amend S.B. 138 by striking the words "a county with a population of more than 500,000" in quoted subsection (c) of Section 1 and inserting in lieu thereof the words "Bexar County, Texas".

The Committee Amendment was read and was adopted.

Senator Wolff offered the following amendment to the bill:

Amend S.B. No. 138, as amended, by renumbering Section 2 as Section 3 and adding a new Section 2 to read as follows:

Section 2. Sections 1, 3, and 4, Chapter 86, Acts of the 60th Legislature, 1967, as amended (Article 6228f, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. It is hereby declared to be the public policy of this State, under its police power, to provide financial assistance to the surviving spouse and minor children of paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employees of the Texas Youth Council, employees of the Rusk State Hospital for the Criminally Insane, paid firemen, and members of organized volunteer fire departments where such paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the authority to make arrests, custodial personnel, juvenile correctional employees of the Texas Youth Council, employees of the Rusk State Hospital for the Criminally Insane, paid firemen or members of organized volunteer fire departments suffer violent death in the course of the performance of their duties as paid law enforcement officers, campus security personnel, members of organized police reserve or auxiliary units with the power to make arrests, custodial personnel of the Texas Department of Corrections, employees of the Texas Youth Council and the Rusk State Hospital for the Criminally Insane, paid firemen and members of organized volunteer fire departments, capitol security commissioned officers, and campus security personnel commissioned as peace officers by authority granted under Section 3, Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes)."

"Section 3. In any case in which a paid law enforcement officer, capitol security commissioned officers, campus security personnel, a member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, and/or member of

an organized volunteer fire department suffers violent death in the course of his duty as such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department, the State of Texas shall pay to the surviving spouse of such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department the sum of \$10,000 and in addition thereto, if such paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department shall be survived by a minor child or minor children, the State of Texas shall pay to the duly appointed or qualified guardian or other legal representative of each minor child the following assistance:

"If one minor child--\$100 per month

"If two minor children--\$150 per month

"Three or more minor children--\$200 per month.

"Provided, that when any child entitled to benefits under this Act ceases to be a minor child as that term is defined herein, his entitlement to benefits shall terminate and any benefits payable under this Act on behalf of his minor brothers and sisters, if any, shall be adjusted to conform with the foregoing schedule if necessary."

"Section 4. This Act shall be administered by the State Board of Trustees of the Employees Retirement System of Texas, under rules and regulations adopted by said Board. Proof of death claimed to be violent death in the course of performance of duty of a paid law enforcement officer, campus security personnel, member of an organized police reserve or auxiliary unit with the power to make arrests, custodial personnel of the Texas Department of Corrections, supervisory personnel in a county jail controlled by an administrator instead of the sheriff, juvenile correctional employee of the Texas Youth Council, employee of the Rusk State Hospital for the Criminally Insane, paid fireman, or member of an organized volunteer fire department shall be furnished to said Board of Trustees in such form as it may require, together with such additional evidence and information as it may require."

The amendment was read and was adopted.

On motion of Senator Wolff and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0)(29-0)

S.B. 624¹(Patman)--

Senator Patman offered the following Committee Amendment to the bill:

Amend S.B. 624 by changing in Section 1 the figures "698a-4b" to "689a-4b," and by changing the wording of Subsection (2) of Section 1 to read as follows:

"(2) the assistance of the systems division of the State Auditor's Office

has been sought and an appropriate recommendation has been made for the proposed expenditure."

The Committee Amendment was read and was adopted.

Senator Patman offered the following Committee Amendment to the bill:

Amend S.B. 624 by striking Section 2 thereof and inserting in lieu thereof the following:

"Sec. 2. An agency acquiring equipment under Section 1 of this Act shall do so only on competitive bids which have been taken and orders issued by the Board of Control, subject, however, to the exceptions to competitive bidding contained in the State Purchasing Act of 1957."

The Committee Amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0)(29-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 8:55 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

FIFTY-NINTH DAY (Thursday, April 19, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senators were absent-excused: Blanchard, McKinnon and Santiesteban.

A quorum was announced present.

The Reverend Jerry J. Smith, Northwest Hills United Methodist Church, Austin, Texas, offered the invocation as follows:

Almighty and most merciful God, we give thanks for the light of another day, for the work we have to do, and for the strength to do it. Guide us, we